Supreme Court, U.S.
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Nos. 86-1380 and 86-1424

IN THE

Supreme Court of the United States

OCTOBER TERM, 1986

ARKANSAS PUBLIC SERVICE COMMISSION, *et al.*,
Petitioners

v.

FEDERAL ENERGY REGULATORY COMMISSION

ARKANSAS POWER & LIGHT COMPANY,
Petitioner

v.

FEDERAL ENERGY REGULATORY COMMISSION, *et al.*

On Petitions for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

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MEMORANDUM FOR RESPONDENT MISSISSIPPI POWER & LIGHT COMPANY

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MEMORANDUM FOR RESPONDENT MISSISSIPPI POWER & LIGHT COMPANY

The petition for a writ of certiorari in No. 86-1380 was filed February 20, 1987, and was received by counsel for respondent Mississippi Power & Light Company (MP&L)[1] on February 24, 1987; MP&L's response is presently due on March 26, 1987. The petition for a

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[1] MP&L is a wholly-owned subsidiary of Middle South Utilities, Inc. Other wholly-owned subsidiaries of Middle South Utilities, Inc. include Arkansas Power & Light Company, Louisiana Power & Light Company, New Orleans Public Service, Inc., System Energy Resources, Inc. (formerly Middle South Services, Inc.), and Electec, Inc. In addition, AP&L, LP&L, MP&L and NOPSI jointly own the common stock of System Fuels, Inc., and AP&L owns the common stock of Associated Natural Gas Company.

writ of certiorari in No. 86-1424 was filed on March 4, 1987, and was received by counsel for MP&L on March 9, 1987; MP&L's response is presently due on April 3, 1987. The petitions seek review of the judgment of the United States Court of Appeals for the District of Columbia Circuit in *Mississippi Industries v. Federal Energy Regulatory Commission* entered January 6, 1987 (86-1380 Pet. App. 1a-96a), now reported at 808 F.2d 1525. Petitions for rehearing and suggestions for rehearing in banc were filed in the court of appeals by MP&L and other parties and are still pending. In these circumstances, MP&L supports the suggestion of the Solicitor General and of the City of New Orleans that the Court defer consideration of these petitions for a writ of certiorari until the court of appeals disposes of the petitions for rehearing. MP&L suggests that the time for the filing of responses to these petitions be enlarged to and including the thirtieth day after the court of appeals takes final action on the rehearing petitions. In the alternative, MP&L requests that its time to respond to these petitions be extended to and including May 3, 1987, so that MP&L can file a single response to both petitions.

Respectfully submitted,

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